

**815 KAR 8:010. Master heating, ventilation, and air conditioning (HVAC) contractor licensing requirements.**

RELATES TO: KRS 198B.650, 198B.654, 198B. 656, 198B.658, 198B.659, 198B.660, 198B.664, 198B.668, 198B.672, 198B.676

STATUTORY AUTHORITY: KRS 198B.654(1), 198B.658, 198B.660(1), (2), 198B.664(1),(3), 198B.676(1), 198B.684

NECESSITY, FUNCTION, AND CONFORMITY: KRS 198B.654(1) requires the Board of Heating, Ventilation and Air Conditioning Contractors to promulgate administrative regulations necessary to enforce the provisions of KRS 198B.650 to 198B.689. KRS 198B.658 requires the board to establish qualifications for licensure and certification. KRS 198B.660(1) and (2) require the board to establish examination requirements. KRS 198B.664 requires the board to establish requirements for license renewal and inactive licenses. KRS 198B.684 authorizes the board to promulgate an administrative regulation with standards for continuing education for licensees and certificate holders. KRS 198B.676(1) requires the board to establish fees by administrative regulation. This administrative regulation establishes the licensure requirements for HVAC contractors.

**Section 1. General Requirements. (1) Continuing education.**

(a) Each master HVAC contractor licensee shall complete eight (8) hours of continuing education prior to renewal of the license.

(b) Continuing education shall be conducted in accordance with 815 KAR 8:050.

(2) Supervision. The master HVAC contractor shall supervise and be primarily responsible for all HVAC work performed by the employees and subcontractors of the licensee or the company that the licensee represents, whichever is applicable.

(3) Company license.

(a) A licensee who is an employee of a company and whose license represents the company shall notify the board, in writing, if the licensee ceases to represent the company or if the name of the company changes.

(b) A licensee providing the notice established in paragraph (a) of this subsection shall request a change of information on that license.

(c) A licensee requesting a change of information as established in paragraph (b) of this subsection shall pay the change of information fee established in Section 7(5) of this administrative regulation.

**Section 2. Initial Application Requirements. (1) Filing the application.**

(a) An applicant seeking a master HVAC contractor license shall submit to the board:

1. A completed and notarized Master HVAC Contractor License Application on Form HVAC 1;

2. An initial license application fee of \$250 for a twelve (12) month license. The initial license fee may be prorated for not less than seven (7) months or more than eighteen (18) months and shall expire on the final day of the applicant's birth month;

3. Proof of satisfactory completion of the examination required by Section 4 of this administrative regulation;

4. Proof of the applicant's experience as established by KRS 198B.658(1)(c) and this administrative regulation;

5. A passport-sized, color photograph of the applicant taken within the past six (6) months; and

6. Proof of insurance as required by KRS 198B.668.

(b) If the applicant is an employee representing a company, the applicant shall state the company name on the application form. The company may provide the insurance certificates and shall be subject to this administrative regulation.

(2) Termination of application.

(a) The initial application shall remain pending until all requirements are met, up to a period of one (1) year after the date the application is submitted.

(b) At the end of one (1) year, the application shall be void.

Section 3. Inactive License Status. (1)(a) A licensee may request that a license be placed in inactive status.

(b) A licensee shall not perform HVAC work while the license is inactive.

(2) A master HVAC contractor licensee in inactive status shall not be required to maintain insurance as required by KRS 198B.668 or provide proof to the Department of Housing, Buildings and Construction of compliance with workers' compensation laws.

(3) A certified HVAC inspector may be licensed as a master HVAC contractor, but shall place the license in inactive status while having an active HVAC inspector certification.

(4) Performing HVAC work while holding an inactive license shall be grounds for revocation or suspension of all HVAC licenses and certifications held by the licensee.

Section 4. Examination Requirements. An applicant shall take and pass the examination administered in compliance with this section.

(1) The examination shall be a two (2) part examination and shall test the applicant's knowledge of:

(a) Codes, standards, and current technological and industry recommended practices with respect to the proper installation, maintenance, repair, remodeling, or alteration of all types of HVAC systems; and

(b) Law and regulation relating to HVAC business.

(2) Reasonable accommodations shall be made if necessary to provide accessibility to disabled applicants, upon request.

(3) Except as provided in subsection (8) of this section, an applicant shall complete with a passing score of at least seventy (70) percent the examination known as the Kentucky Master HVAC Contractor Examination, which is developed, administered, and scored by the board or its designee.

(4)(a) A request to sit for the examination shall be made directly to the testing facilities approved by the board.

(b) A list of facilities and contact information shall be provided to applicants upon request.

(5) The examination fee shall not exceed \$160 for the Kentucky Master HVAC Contractor Examination.

(6) The examination shall be provided as set forth in KRS 198B.660.

(7) A passing score on the examination shall be valid for a period of two (2) years.

(8) Upon application by a testing agency, a national code group, or by an applicant for licensure, the department shall recognize another examination as equivalent to the examinations administered by the board if the person or group submitting the examination demonstrates that the examination covers the same material and requires the same level of knowledge as the board's examination.

Section 5. Experience Requirements. An applicant for licensure shall meet the requirements of this section. (1) Minimum experience. An applicant shall have the experience required by KRS 198B.658(1)(c).

(2) Records of experience. An applicant's experience shall be listed on the application form.

(a) Proof of listed experience shall be provided by:

1. A W-2 form;
2. An affidavit by a master HVAC contractor who directed and supervised the applicant;
3. A copy of a current master HVAC contractor license, or equivalent, held by the applicant in a state other than Kentucky, if the state requires licensure or the equivalent;
4. Verifiable documentation demonstrating the nature and extent of HVAC contracting work performed in a state other than Kentucky, if the state does not require licensure or the equivalent; or
5. Department of Defense Form DD 214.

(b) Additional proof of experience shall be requested by the board, prior to or after licensing, if the board has reason to believe that the experience shown is insufficient or nonexistent.

(3) One (1) year of HVAC experience shall consist minimally of 1,500 hours of HVAC work in a contiguous twelve (12) month period.

Section 6. Renewal, Restoration, Reinstatement, and Reactivation Requirements and Procedures. (1) Filing for renewal. A master HVAC contractor shall submit to the department:

- (a) A completed renewal application card;
- (b) A renewal fee of \$250 made payable to the Kentucky State Treasurer; and
- (c) Proof of annual continuing education attendance in accordance with Section 1 of this administrative regulation; and
- (d) Proof of insurance as required by KRS 198B.668.

(2)(a) Except for a license placed in inactive status in accordance with subsection (6) of this section and Section 7(2) of this administrative regulation, application for license renewal shall be filed by each licensee no later than the last day of the licensee's birth month.

(b) A license shall be renewed each year.

(c) A license that is not timely renewed shall immediately expire.

(3)(a) The renewal fee shall be paid prior to renewal.

(b) The department shall send a renewal application card to each licensee each year to be returned with the required fee.

(4) A renewal application card filed late, but no more than sixty (60) days after the expiration of the license, shall be accepted, but a restoration fee, as established in Section 7(1) of this administrative regulation, shall be added to the renewal fee.

(5)(a) A former licensee whose license has terminated as established in KRS 198B.664(3) may have his or her license reinstated if the licensee satisfies the application requirements for renewal as established in Section 6(1) of this administrative regulation and submits a reinstatement fee as established in Section 7(6) of this administrative regulation no later than three (3) years from the date the former license was terminated.

(b) A former licensee seeking licensure under this administrative regulation, but whose terminated license was not timely reinstated as established in paragraph (a) of this subsection, shall be required to satisfy all requirements applicable to new applicants for initial licensure as established in this administrative regulation.

(6)(a) A license that is in inactive status shall be exempt from annual renewal.

(b) An inactive license shall be reactivated upon payment of the annual renewal fee, the reactivation fee, and upon compliance with the continuing education requirements established in 815 KAR 8:050.

(7) If an initial license is for a period of less than twelve (12) months, the initial license fee shall be reduced on a pro rata basis.

(8) The application for renewal, restoration, reinstatement, or reactivation of a licensed mas-

ter HVAC contractor shall be denied if the applicant fails to:

- (a) Pay any applicable department fee;
  - (b) Comply with the continuing education requirements established in Section 1(1) of this administrative regulation; or
  - (c) Provide the current insurance certificate required by KRS 198B.668.
- (9) A licensee who has not previously provided a passport-sized color photograph shall provide one (1) with the licensee's next application for renewal.

Section 7. Special Service Fees. In addition to the other fees required by this administrative regulation, the special fees established in this section shall also be applied.

- (1) Restoration fee. The fee for restoration of an expired license shall be \$125.
- (2) Inactive status fee.
  - (a) A licensee may place the license in inactive status. The fee to place a license into inactive status shall be twenty (20) dollars.
  - (b) Inactive status shall be maintained upon annual payment of the inactive status fee by the last day of the licensee's birth month.
  - (c) Inactive status shall be maintained in accordance with this subsection until the licensee requests reactivation in accordance with Section 6(6)(b) of this administrative regulation.
  - (d) An inactive license that is not maintained in accordance with this subsection or reactivated in accordance with Section 6(6)(b) of this administrative regulation shall immediately terminate.
- (3) Reactivation fee. The fee for reactivation of an inactive license shall be twenty (20) dollars.
- (4) Duplicate license fee. A lost or destroyed license shall be replaced upon payment of a twenty (20) dollar fee.
- (5) Change of information fee. The fee for the change of information required by Section 1(3) of this administrative regulation shall be twenty (20) dollars. If a change of information request is simultaneous with license renewal, this fee shall not be applicable.
- (6) Reinstatement fee. The fee for reinstatement of a terminated license shall be \$250 for each twelve (12) month period, or additional fraction thereof, following the date the license was terminated, not to exceed \$750.

Section 8. Revocation or Suspension of License. A license issued pursuant to this administrative regulation shall be subject to suspension or revocation by the board for any of the reasons stated in KRS 198B.672.

Section 9. Incorporation by Reference. (1) "Form HVAC-1, Master HVAC Contractor License Application", July 2014, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Housing, Buildings and Construction, HVAC Division, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky 40601-5412, Monday through Friday, 8 a.m. to 4:30 p.m. (21 Ky.R. 1610; eff. 2-10-1995; Am. 22 Ky.R. 792; 1085; eff. 12-7-1995; 2335; 23 Ky.R. 436; eff. 9-11-1996; 24 Ky.R. 950; eff. 12-15-1997; 26 Ky.R. 1705; eff. 5-22-2000; 27 Ky.R. 3368; eff. 8-15-2001; 31 Ky.R. 1902; 32 Ky.R. 79; eff. 7-27-2005; 36 Ky.R. 1347; 1927; eff. 3-5-2010; 41 Ky.R. 1184; eff. 3-6-2015.)